THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3495 of 2007

Dated:12.03.2007

Between:

Kummari Neelamma.

...PETITIONER

AND

The District Collector, Ranga Reddy District, Hyderabad and another.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3495 of 2007

ORDER:

The petitioner is allegedly in occupation of land admeasuring Ac.1.20 gts in survey No.279/1 situated at Ragannaguda Village, Hamlet of Turkayamjal, Hayathnagar Mandal, Ranga Reddy District. There was a proposal to evict her and accordingly second respondent issued notice under Section 7 of the Land Encroachment Act, 1905(the Act, for brevity) on 15.02.1995. Then she approached second respondent and explained her case. Thereafter, no action was taken. She alleges that on 15.01.2007, second respondent along with his subordinate officers came to the land threatened to evict her from the land. Therefore she made an application on 25.01.2007 to second respondent for obtaining certified copies of pahanis in respect of her land. By memo dated 14.02.2007, she was informed that certified copies of pahanis in respect of the land in survey No.279 cannot be issued in her name as the land was Government land. She apprehends that as she was informed that the land is Government land, she will be forcibly evicted from the land. She, therefore, seeks a writ of Mandamus declaring the action of the respondents in interfering with her peaceful possession and enjoyment of the land without due process of law as arbitrary and illegal.

At the stage preliminary hearing itself, the learned Assistant Government Pleader for Revenue obtained instructions from the office of second respondent. He submits that after the request of the petitioner for supply of certified copies is rejected by second respondent, vide memo

dated 14.02.2007, the petitioner has filed the present writ petition on mere apprehension. While denying the allegation that there is threat of dispossession, the learned Government Pleader submits that unless and until action is taken against the petitioner under the provisions of the Act, she cannot forcibly be evicted. This submission of the learned Assistant Government Pleader is placed on record.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO, J)

12th March, 2007
ghn